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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,655	01/14/2004	Srinivas Chowdhury	AUS920030567US1	3936

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EXAMINER

MOUZON, LAJUANIA N

ART UNIT	PAPER NUMBER
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2109

MAIL DATE	DELIVERY MODE
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06/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,655

Applicant(s)

CHOWDHURY ET AL.

Examiner

La Juania N. Mouzon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/14/2004
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 1/14/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 506. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of

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an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 27-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As defined in the specification a computer readable medium can be a transmission medium such as any carrier wave signal, or transmission facility (pg. 3 line(s) 7).

6. Software, per se:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be

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realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

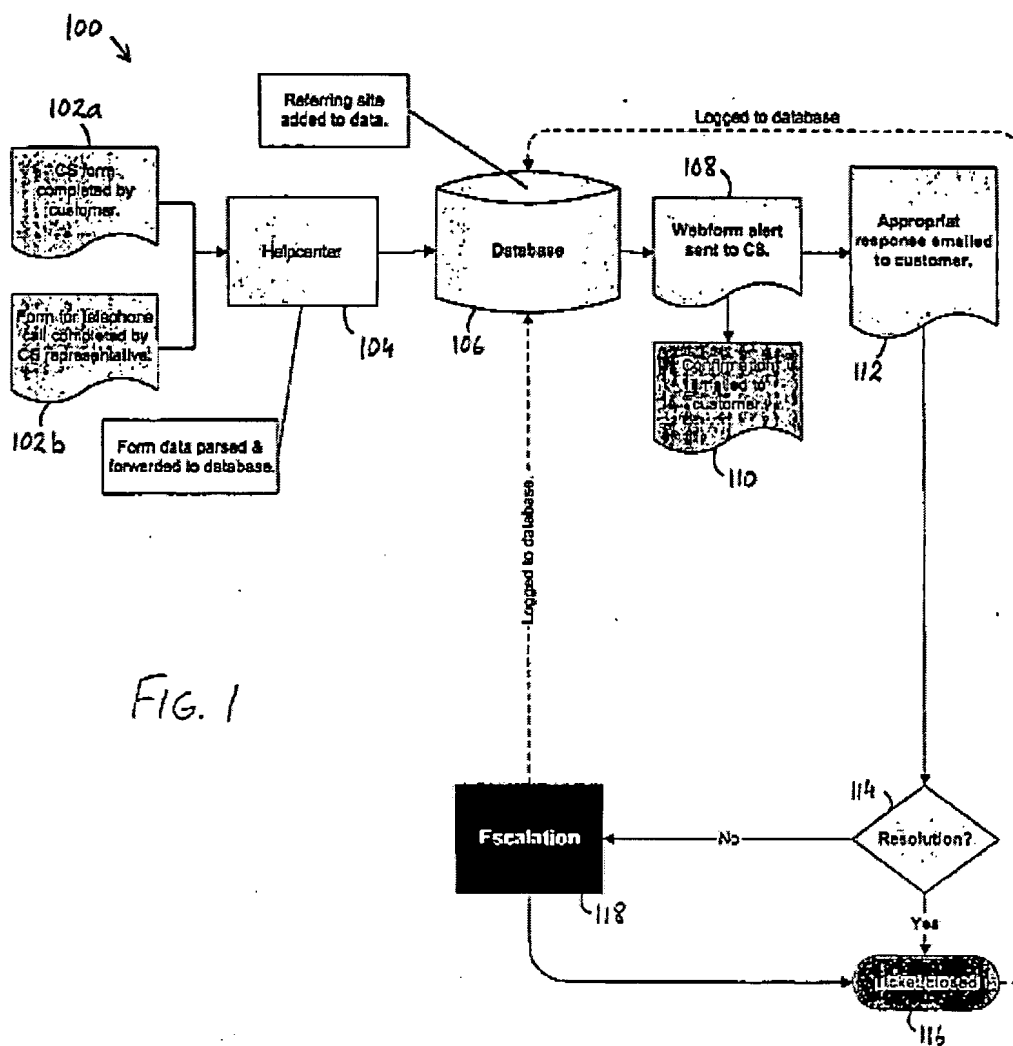
8. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Dabney et al. (US PGPub 2004/0249786).

Figure 1 of Dabney et al. is reproduced below

9. In regards to claim 1 Dabney et al. disclose, a method for communication, said method comprising: parsing stored information (**Fig. 1 and ¶0030 teaches, the stored information from the forms being parsed.**);

a. and automatically sending at least one customized message (**¶0031 teaches, generating and sending automatically a ticket (customized message) for the particular feedback.**);

b. wherein components of said customized message are derived from said parsing (¶0031 - ¶0032 teaches, the components of the customized message, being sent to the customer service representative, coming from the parsed information.).



10. In regards to claims 2 and 12 Dabney et al. disclose, storing said information (Fig. 1 # 106, as shown above, and ¶0030 teaches, storing the feedback to the database.);

c. and updating said information (**¶0032 - ¶0036 teaches, updating the information with the questions that need to be addressed and with the resolution before the ticket is closed.**).

11. In regards to claims 3 and 13 Dabney et al. disclose, wherein said storing further comprises: mapping a problem to at least one person responsible for solving said problem (**¶0032 teaches, mapping the problem to the customer service representative that is responsible for solving it.**).

12. In regards to claims 4 and 14 Dabney et al. disclose, wherein said parsing further comprises: extracting from said stored information one or more message components chosen from message recipients, message subjects, and message contents (**¶0030 teaches, extracting the message components of consumer name, email address, type of feedback, and other information.**).

13. In regards to claims 5 and 15 Dabney et al. disclose, wherein said parsing further comprises: extracting from said stored information dependency information, or defect information, or both (**¶0030 teaches, extracting type of feedback (defect information) and other information when parsing.**).

14. In regards to claims 6 and 16 Dabney et al. disclose, wherein said sending further comprises utilizing one or more communication technologies chosen from e-mail, text-to-speech, voice mail, voice over IP, wireless text messages, instant messaging,

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short message services, and posting on a web site (**¶0032 teaches, sending the message via email and webform.**).

15. In regards to claims 7, 23, and 33 Dabney et al. disclose, wherein said at least one customized message is sent to a person responsible for at least part of a project (**¶0032 teaches, sending the problem to a customer service representative that is responsible for it.**);

d. and wherein said stored information contains information concerning said project (**¶0030 teaches, the stored information, in the database, containing information about the problem (project).**).

16. In regards to claim 8 Dabney et al. disclose, creating said customized message, based on a recipient's role in a project (**¶0032 teaches, sending the problem to a customer service representative that is responsible for solving it and send a different customized message to the user that submitted the request.**).

17. In regards to claim 9 Dabney et al. disclose, creating said customized message, based on a row in a table (**¶0030 teaches, the information being stored in a database, which can be any type of database. According to Microsoft Dictionary 5th Ed., a database is a file composed of records, each containing fields together with a set of operation for searching, sorting, recombining, and other functions. Based on this definition and the definition of a table, also from Microsoft Dictionary 5th Ed., in relational databases, a data structure characterized by rows**

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and columns, with data occupying or potentially occupying each cell formed by a row-column intersection, a table is a type of database.).

18. In regards to claim 10 Dabney et al. disclose, creating said customized message, with content limited to a problem for which a recipient is responsible (**¶0031 - ¶0032 teaches, a ticket being generated with the feedback (problem) given and creating a customized message with content limited to that feedback (problem) to the customer service representative.).**

19. In regards to claim 11 Dabney et al. disclose, a method of communication, said method comprising: extracting message components from stored information (**¶0030 teaches, extracting the message components from the stored information.);**

e. creating a customized message, based on a recipient's role in a project (**¶0032 teaches, sending the problem to a customer service representative that is responsible for solving it and send a different customized message to the user that submitted the request.);**

f. and automatically sending said customized message to said recipient (**¶0031 teaches, generating and sending automatically a ticket (customized message) for the particular feedback.);**

g. wherein said customized message contains said message components message (**¶0031 - ¶0032 teaches, the components of the customized message, being sent to the customer service representative.);**

- h. wherein said stored information contains information concerning said project (**¶0030 teaches, the stored information, in the database, containing information about the problem (project).;**
- i. and wherein said recipient is a person responsible for at least part of said project (**¶0032 teaches, sending the problem to a customer service representative that is responsible for it.).**

20. In regards to claims 17 and 27 Dabney et al. disclose, a system, and a computer-usable medium, having computer-executable instructions for communication, said method comprising: means for parsing stored information (**Fig. 1, as shown above on pg. 5, and ¶0030 teaches, means for the stored information from the forms being parsed.);**

- j. and means for automatically sending at least one customized message (**¶0031 teaches, means for generating and sending automatically a ticket (customized message) for the particular feedback.);**
- k. wherein components of said customized message are derived from said means for parsing (**¶0031 - ¶0032 teaches, means for the components of the customized message, being sent to the customer service representative, coming from the parsed information.).**

21. In regards to claims 18 and 28 Dabney et al. disclose, means for storing said information (**Fig. 1 # 106, as shown on pg. 5, and ¶0030 teaches, means for storing the feedback to the database.);**

- I. and means for updating said information (**¶0032 - ¶0036 teaches, means for updating the information with the questions that need to be addressed and with the resolution before the ticket is closed.**).
22. In regards to claims 19 and 29 Dabney et al. disclose, wherein said means for storing further comprises: means for mapping a problem to at least one person responsible for solving said problem (**¶0032 teaches, means for mapping the problem to the customer service representative that is responsible for solving it.**).
 23. In regards to claims 20 and 30 Dabney et al. disclose, wherein said means for parsing further comprises: means for extracting from said stored information one or more message components chosen from message recipients, message subjects, and message contents (**¶0030 teaches, means for extracting the message components of consumer name, email address, type of feedback, and other information.**).
 24. In regards to claims 21 and 30 Dabney et al. disclose, wherein said means for parsing further comprises: means for extracting from said stored information dependency information, or defect information, or both (**¶0030 teaches, means for extracting type of feedback (defect information) and other information when parsing.**).
 25. In regards to claims 22 and 32 Dabney et al. disclose, wherein said means for sending further comprises utilizing one or more communication technologies chosen from e-mail, text-to-speech, voice mail, voice over IP, wireless text messages, instant

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messaging, short message services, and posting on a web site (**¶0032 teaches, means for sending the message via email and webform.**).

26. In regards to claims 24 and 34 Dabney et al. disclose, means for creating said customized message, based on a recipient's role in a project (**¶0032 teaches, means for sending the problem to a customer service representative that is responsible for solving it and send a different customized message to the user that submitted the request.**).

27. In regards to claims 25 and 35 Dabney et al. disclose, means for creating said customized message, based on a row in a table (**¶0030 teaches, means for the information being stored in a database, which can be any type of database for the reasons explained in ¶17 above.**).

28. In regards to claims 26 and 36 Dabney et al. disclose, means for creating said customized message, with content limited to a problem for which a recipient is responsible (**¶0031 - ¶0032 teaches, means for a ticket being generated with the feedback (problem) given and creating a customized message with content limited to that feedback (problem) to the customer service representative.**).

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weksel (US 6,904,131) system and method for delivering a message to a plurality of receivers in respective formats.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNM



**PATRICK ASSOUD
SUPERVISORY PATENT EXAMINER**